

REMARKS

This response is in reply to the office action mailed June 14, 2006 and October 2, 2002.

The disclosure stands objected to under 37 CFR 1.163 and 35 USC 112, first paragraph on the grounds that "the specification presents less than a full, clear and complete balanced description of the plant and the characteristic which defines the same per se and which distinguishes the plant from related known cultivars and antecedents. Specific objections are set forth in items A to I of the office action of October 2, 2002.

The claims stand "...rejected under 35 USC 112, first paragraph as not being supported by an admissible cultivar name" and the cultivar designation "White" is objectionable.

The objections and rejections were contained in the office action dated October 2, 2002. Often the case went abandoned and derived a response filed on March 24, 2006 was not entered because the amendment and response were not signed by a person having an authority to prosecute the application. The undersigned has the authority to prosecute the application under the provision of 1.34(a). All future correspondence should be sent to the undersigned at the address below.

THE OBJECTION UNDER 37 CFR 1.163(a) AND 35 USC 112,
FIRST PARAGRAPH

- A. All of the cultivars mentioned in the Substitute Specification are set forth in single quotation marks in the Substitute Specification.
- B. The botanical name of the variety is correctly set forth in the Substitute Specification and the genus and species in the proper binomial format are at the top of the first page of the Substitute Specification under a separate heading.

- C. Comparison of the difference between the claimed variety and its parents are set forth in paragraph [0003] of the Substitute Specification (page 2).
- D. Quantitative information of the branches are now set forth in paragraphs [0026], [0027] and [0028] of the Substitute Specification.
- E. Information concerning the floral buds are set forth in paragraphs [0047], [0048], [0049], [0050] and [0051] of the Substitute Specification.
- F. The color designated for pollen is yellow 13B, see paragraph [0055] of the Substitute Specification.
- G. The juice content is plentiful. See paragraph [0080] (page 7) of the Substitute Specification.
- H. The U.S. plant patent status of all cultivars mentioned in the specification are clearly set forth in the Substitute Specification.
- I. The pit was checked for cracking. No cracking was observed. See paragraph [0085] of the specification.

In view of (1) the Substitute Specification and Applicants' responses to Items A-I of the office action and submission of this amendment by applicants' authorized agent, withdrawal of the objections and rejections and expeditious passage of this application to issue is respectfully requested.

Respectfully submitted,



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SBW/jas

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Encl: Tracked Version of Substitute Specification
Substitute Specification
Replacement Abstract
Postal Card

136.07/05